

# Is Asking an Older Employee About Retirement Discrimination? – Ask The Expert



It depends on how you ask and what you do after the employee responds.

## **QUESTION**

One of our senior employees is approaching the age where people typically at least start thinking about retirement. They have never said anything about retirement and we'd like to know what's on their mind. Are we allowed to ask them about their retirement plans or would that be considered age discrimination?

## **ANSWER**

No, as long as you handle it the right way.

## **EXPLANATION**

Asking about employees' retirement plans may be necessary for retirement benefits, succession planning and other legitimate reasons. But it's also a very touchy subject. The danger is that employees may perceive that in broaching the subject, you're sending the message that you think they should retire. But there are things you can do to avoid that, such as:

- Phrasing the question right—don't mention anything about the employee's age or use code words and phrases;
- Explain why you're asking the question and that it in no way implies that you think they are too old for the job or want a younger replacement;
- If the employee says they are not planning to retire, back off and don't press them, ask for reasons or express unhappiness or disappointment;
- Tell her they are free to come to you for help when and if they do start contemplating retirement; and
- Wait at least a year before asking them about retirement again—unless they broach the subject.